IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 16328 of 2004

Between:

Duggirala Turmeric & General Merchants Association, Duggirala, Guntur District, Rep. by its Secretary, Mr. Kailash Kumar Agarwal.

..... PETITIONER

AND

The Commissioner of Commercial Taxes, Government of Andhra Pradesh, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus holding circular instructions of the respondent issued in CCT's Ref.No.AI(1)412/2004, dated 27-5-2004 as ultra virus and contrary to Section 5(3) of Central Sales Tax Act and the Judgment of the Hon'ble supreme Court reported in the case of Baktavarlal Kailaschand's case reported in 87 STC 217 and hence, it is illegal, void and inoperative and accordingly set-aside the same.

Counsel for the Petitioner:MR.BHASKAR REDDY VEMIREDDY

Counsel for the Respondent: GP FOR COMMERCIAL TAX

The Court made the following O R D E R:

(Per the Hon'ble Sri Justice Bilal Nazki):

Learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition.

Permission is granted. The writ petition is accordingly dismissed as withdrawn. No order as to costs.

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(BILAL NAZKI, J)

22nd September, 2004.

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(S.ANANDA REDDY, J)

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To

1 The Commissioner of Commercial Taxes, Government of

Andhra Pradesh, Hyderabad.

2 Two C.Cs to the Government Pleader for Commercial Taxes,

High Court of A.P., Hyderabad (OUT)

3 Two C.D copies